

Introduced by Senator Beall

February 22, 2013

An act to amend Section 10601.2 of the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 625, as introduced, Beall. Child welfare: racial and ethnic disparities.

Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services for the protection of children. Existing law requires the department to establish the California Child and Family Service Review System to review all county child welfare systems. Existing law requires the California Health and Human Services Agency to convene a workgroup, as prescribed, to establish a workplan by which child and family service reviews shall be conducted. Existing law requires the workgroup to consider, among other things, measurable outcome indicators. Existing law requires the department to identify and promote the replication of best practices in child welfare service delivery to achieve these outcomes. Existing law requires the department to provide prescribed information to legislative committees relating to child welfare system improvements, as specified.

This bill would require the workgroup described above to examine outcome indicators for each racial and ethnic population served within a county. This bill would require a county to address in its self-assessment and system improvement plan, among other things, its efforts to eliminate disparities in services and outcomes for children of color in, and to provide adequate and culturally appropriate services within, its child welfare system, as specified. This bill would require

the department to identify and promote best practices for increasing cultural competency in the provision of services and eliminating inequities in service delivery to racial and ethnic communities. This bill would authorize the director of the department to take specified actions if he or she determines a county substantially failed to comply with the requirements of its system improvement plan, as specified. This bill would require the department to report prescribed information relating to disparities for Latinos in the child welfare system to the Legislature by January 1, 2016.

By imposing additional duties on counties relating to their self-assessments and system improvement plans, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) It is the intent of the Legislature to eliminate racial and ethnic
- 3 disproportionality in the child welfare system that is a result of the
- 4 unnecessary and avoidable removal of children from their families
- 5 and the failure to equitably serve all communities of color,
- 6 particularly the Latino community.
- 7 (b) Latinos make up nearly 38 percent of the population of the
- 8 state, but comprise over one-half of the overall child welfare
- 9 caseload. Specifically, disproportionality exists in certain counties
- 10 with a large Latino population. For example, in Santa Clara County,
- 11 nearly 64 percent of the foster care population is Latino, while the
- 12 Latino population in the county is around 25 percent. Furthermore,
- 13 despite the fact that more than one-half of the children served in
- 14 the state are Latino, Latinos have been omitted from recent state
- 15 projects and initiatives on disproportionality and improving foster
- 16 care outcomes, including the California Disproportionality Project

1 and California Partners for Permanency, a five-year pilot project
2 to reduce long-term foster care.

3 (c) Black children represent almost 6 percent of the state's
4 population of children and youth, but represent roughly 22 percent
5 of the population in care in the child welfare system. When
6 controlling for poverty, Black children enter the system at
7 approximately the same rate as White children, but remain in the
8 system at a rate that is almost one and one-half times the rate of
9 White children.

10 (d) Although there are variations by geographic area and across
11 communities of color, children and youth from non-White racial
12 and ethnic communities, overall, enter the child welfare system at
13 a higher rate, are represented in the system at a higher percentage,
14 and remain in the system longer than their White counterparts.

15 (e) Statistical disparities of children and youth of color in the
16 child welfare system may be a result of numerous complex and
17 interdependent factors, including poverty, classism, racism, limited
18 cultural competence and diversity among staff and service
19 providers, agency policies, and systemic practices, and limited
20 access to services and resources, including prevention, family
21 support, and mental health services.

22 (f) Many of the societal factors resulting in these disparities are
23 not readily amenable to change by reforms in the child welfare
24 system alone. Nonetheless, more can be done, for example, to
25 eliminate disparities in services and supports provided and enhance
26 the cultural competence of county staff and service providers.
27 According to information gathered by the California Research
28 Bureau in March 2012, at least 21 states are taking action to
29 eliminate disproportionality in their child welfare systems. At least
30 12 states are taking action through legislation.

31 (g) Child welfare agencies must conduct thorough
32 self-assessments, develop action plans, and monitor their progress
33 if they are to eliminate inequities in the child welfare system.

34 SEC. 2. Section 10601.2 of the Welfare and Institutions Code
35 is amended to read:

36 10601.2. (a) The State Department of Social Services shall
37 establish, by April 1, 2003, the California Child and Family Service
38 Review System, in order to review all county child welfare systems.
39 These reviews shall cover child protective services, foster care,

1 adoption, family preservation, family support, and independent
2 living.

3 (b) Child and family service reviews shall maximize compliance
4 with the federal regulations for the receipt of money from Subtitle
5 E (commencing with Section 470) of Title IV of the federal Social
6 Security Act (42 U.S.C. Sec. 670 ~~and following~~) *et seq.*) and ensure
7 compliance with state plan requirements set forth in Subtitle B
8 (commencing with Section 421) of Title IV of the federal Social
9 Security Act (42 U.S.C. Sec. 621 ~~and following~~) *et seq.*).

10 (c) (1) The California Health and Human Services Agency shall
11 convene a workgroup comprised of representatives of the Judicial
12 Council, the State Department of Social Services, the State
13 Department of Health Care Services, the State Department of
14 Education, the~~State~~ Department of Justice, any other state
15 departments or agencies the California Health and Human Services
16 Agency deems necessary, the County Welfare Directors
17 Association, the California State Association of Counties, the Chief
18 Probation Officers of California, the California Youth Connection,
19 and representatives of California tribes, interested child advocacy
20 organizations, researchers, and foster parent organizations. The
21 workgroup shall establish a workplan by which child and family
22 service reviews shall be conducted pursuant to this section,
23 including a process for qualitative peer reviews of case information.

24 (2) At a minimum, in establishing the workplan, the workgroup
25 shall consider any existing federal program improvement plans
26 entered into by the state pursuant to federal regulations, the
27 outcome indicators to be measured, compliance thresholds for each
28 indicator, timelines for implementation, county review cycles,
29 uniform processes, procedures and review instruments to be used,
30 a corrective action process, and any funding or staffing increases
31 needed to implement the requirements of this section. The agency
32 shall broadly consider collaboration with all entities to allow the
33 adequate exchange of information and coordination of efforts to
34 improve outcomes for foster youth and families.

35 (d) (1) The California Child and Family Service Review System
36 outcome indicators shall be consistent with the federal child and
37 family service review measures and standards for child and family
38 outcomes and system factors authorized by Subtitle B (commencing
39 with Section 421) and Subtitle E (commencing with Section 470)
40 of Title IV of the federal Social Security Act and the regulations

1 adopted pursuant to those provisions (Parts 1355 to 1357, inclusive,
2 of Title 45 of the Code of Federal Regulations).

3 (2) During the first review cycle pursuant to this section, each
4 county shall be reviewed according to the outcome indicators
5 established for the California Child and Family Service Review
6 System.

7 (3) For subsequent reviews, the workgroup shall consider
8 whether to establish additional outcome indicators that support the
9 federal outcomes and any program improvement plan, and promote
10 good health, mental health, behavioral, educational, and other
11 relevant outcomes for children and families in California's child
12 welfare services system.

13 (4) *Outcome indicators shall be examined separately for each*
14 *racial and ethnic population served within the county to assist in*
15 *identifying and developing strategies to eliminate inequities in the*
16 *services provided and disparities in outcomes among the*
17 *populations served.*

18 ~~(4)~~

19 (5) The workgroup shall convene as necessary to update the
20 outcome indicators described in paragraph (1).

21 (e) (1) (A) *Based on its review cycle, each county shall address*
22 *in detail in the county self-assessment and county system*
23 *improvement plan, the county's strategies, ongoing efforts, and*
24 *planned activities, including timeframes for implementation, to*
25 *adequately assess the bases for, and address, disproportionality*
26 *in its child welfare system, to eliminate any disparities identified*
27 *in services and outcomes for children of color in the county's child*
28 *welfare system, and to provide adequate and culturally appropriate*
29 *services for majority and minority populations, particularly the*
30 *Latino, Black, and Native American populations. These may*
31 *include, but are not limited to, prevention services and supports*
32 *for families of children at risk of placement in the county child*
33 *welfare system and the use of culturally competent staffing,*
34 *resources, and practices.*

35 (B) *A county's self-assessment and system improvement plan*
36 *shall also address strategies for improving and expediting*
37 *permanent outcomes for children and youth from communities of*
38 *color that are overrepresented in the county's child welfare system,*
39 *including, but not limited to, developing collaborative partnerships*

1 *with families and community-based organizations and strategies*
2 *to identify and recruit kin and nonkin adoptive families.*

3 *(2) Unless a county's review cycle pursuant to this section has*
4 *a system improvement plan due on or after January 1, 2014, and*
5 *before January 1, 2015, the county shall amend its most recent*
6 *system improvement plan by December 31, 2014, to address the*
7 *issues identified in paragraph (1).*

8 *(3) If the director determines that a county is substantially*
9 *failing to comply with the requirements of its system improvement*
10 *plan pursuant to this subdivision to adequately assess the bases*
11 *for, or address, disproportionality in its child welfare system, or*
12 *to ensure the provision of adequate and culturally appropriate*
13 *services to majority and minority communities within the county,*
14 *the director may take any appropriate action, including providing*
15 *enhanced technical assistance to the county, requiring the county*
16 *to conduct additional self-assessments and adopt system*
17 *improvement plan amendments, or other remedial actions as*
18 *authorized under this chapter.*

19 ~~(e)~~

20 *(f) The State Department of Social Services shall identify and*
21 *promote the replication of best practices in child welfare service*
22 *delivery to achieve the measurable outcomes established pursuant*
23 *to subdivision-(d): (d), including best practices for increasing*
24 *cultural competency in the provision of services and eliminating*
25 *inequities in the delivery of services that result in disparities in*
26 *outcomes among racial and ethnic populations, particularly the*
27 *Latino, Black, and Native American communities.*

28 ~~(f)~~

29 *(g) The State Department of Social Services shall provide*
30 *information to the Assembly and Senate Budget Committees and*
31 *appropriate legislative policy committees annually, beginning with*
32 *the 2002–03 fiscal year, on all of the following:*

33 *(1) The department's progress in planning for the federal child*
34 *and family service review to be conducted by the United States*
35 *Department of Health and Human Services and, upon completion*
36 *of the federal review, the findings of that review, the state's*
37 *response to the findings, and the details of any program*
38 *improvement plan entered into by the state.*

39 *(2) The department's progress in implementing the California*
40 *child and family service reviews, including, but not limited to, the*

1 timelines for implementation, the process to be used, and any
2 funding or staffing increases needed at the state or local level to
3 implement the requirements of this section.

4 (3) The findings and recommendations for child welfare system
5 improvements identified in county self-assessments and county
6 system improvement plans, including information on *efforts to*
7 *assess the bases for, and address, disproportionality and disparities*
8 *in services and outcomes for children of color*; common statutory,
9 regulatory, or fiscal barriers identified as inhibiting system
10 improvements, any recommendations to overcome those barriers,
11 and, as applicable, information regarding the allocation and use
12 of the moneys provided to counties pursuant to subdivision-~~(i)~~ (j).

13 ~~(g)~~

14 (h) Effective April 1, 2003, the existing county compliance
15 review system shall be suspended to provide to the State
16 Department of Social Services sufficient lead time to provide
17 training and technical assistance to counties for the preparation
18 necessary to transition to the new child and family service review
19 system.

20 ~~(h)~~

21 (i) Beginning January 1, 2004, the department shall commence
22 individual child and family service reviews of California counties.
23 County child welfare systems that do not meet the established
24 compliance thresholds for the outcome measures that are reviewed
25 shall receive technical assistance from teams made up of state and
26 peer-county administrators to assist with implementing best
27 practices to improve their performance and make progress toward
28 meeting established levels of compliance.

29 ~~(i)~~

30 (j) (1) To the extent that funds are appropriated in the annual
31 Budget Act to enable counties to implement approaches to
32 improving their performance on the outcome indicators under this
33 section, the department, in consultation with counties, shall
34 establish a process for allocating the funds to counties.

35 (2) The allocation process shall take into account, at a minimum,
36 the extent to which the proposed funding would be used for
37 activities that are reasonably expected to help the county make
38 progress toward the outcome indicators established pursuant to
39 this section, and the extent to which county funding for the Child

1 ~~Abuse~~, *Abuse* Prevention and Treatment program is aligned with
2 the outcome indicators.

3 (3) To the extent possible, a county shall use funds in a manner
4 that enables the county to access additional federal, state, and local
5 funds from other available sources. However, a county's ability
6 to receive additional matching funds from these sources shall not
7 be a determining factor in the allocation process established
8 pursuant to this subdivision.

9 (4) The department shall provide information to the appropriate
10 committees of the Legislature on the process established pursuant
11 to this subdivision for allocating funds to counties.

12 (j)

13 (k) (1) Counties shall continue to be responsible for and
14 accountable to the department for child welfare program
15 performance measures, including all of the following:

16 (A) The outcome and systemic factor measures contained in the
17 federal Department of Health and Human Services Child and
18 Family Services Review Procedures Manual, Appendix B, Index
19 of Outcomes and Systemic Factors, and Associated Items and Data
20 Indicators, issued pursuant to Sections 1355.34(b) and 1355.34(c)
21 of Title 45 of the Code of Federal Regulations.

22 (B) Information and other requirements necessary for the
23 California Child and Family Service Review System, as required
24 pursuant to this section.

25 (C) Monthly caseworker visits with a child in care.

26 (D) Timeliness to begin an investigation of allegations of child
27 abuse or neglect.

28 (E) Notwithstanding the rulemaking provisions of the
29 Administrative Procedure Act (Chapter 3.5 (commencing with
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
31 Code), other performance measures resulting from new federal
32 mandates or court decrees as specified in an all-county letter issued
33 by the department.

34 (2) The department shall monitor, on an ongoing basis, county
35 performance on the measures specified in paragraph (1).

36 (3) At least once every five years, the department shall conduct
37 a comprehensive review of county performance on the measures
38 specified in paragraph (1).

39 (4) (A) The department shall periodically update the process
40 guides utilized by counties to prepare the self assessments and

1 system improvement plans to promote implementation and
2 evaluation of promising practices and use of data.

3 (B) The process guides also shall include, but not be limited to,
4 both of the following:

5 (i) County evaluation of demographics for the children and
6 families served and effectiveness of the system improvement
7 activities for these populations.

8 (ii) A description of the process by which the department and
9 counties shall develop mutually agreed upon performance targets
10 for improvement.

11 (5) The department, in consultation with counties, shall develop
12 a process for resolving any disputes regarding the establishment
13 of appropriate targets pursuant to the process provided in paragraph
14 (4).

15 (6) A county shall submit an update to the department, no less
16 than annually, on its progress in achieving improvements from the
17 county's baseline for the applicable measure. The department may
18 require a county that has not met its performance targets to submit
19 and implement a corrective action plan, as determined by the
20 director.

21 ~~(k)~~

22 (l) Beginning in the 2011–12 fiscal year, and for each fiscal
23 year thereafter, funding and expenditures for programs and
24 activities required under this section shall be in accordance with
25 the requirements provided in Sections 30025 and 30026.5 of the
26 Government Code.

27 (m) (1) *The department shall contract for research evaluating*
28 *the disproportionate representation of, and inequities in services*
29 *for, Latino children and families in the child welfare system, using*
30 *existing resources or by identifying private funding, and issue a*
31 *report to the Legislature and to the Governor, including findings*
32 *and recommendations, by January 1, 2016.*

33 (2) (A) *The requirement for submitting a report imposed under*
34 *paragraph (1) is inoperative on January 1, 2020, pursuant to*
35 *Section 10231.5 of the Government Code.*

36 (B) *A report to be submitted pursuant to paragraph (1) shall*
37 *be submitted in compliance with Section 9795 of the Government*
38 *Code.*

O